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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,872	06/11/2007	Sabine Gaisser	LB63529	5186

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GLAXOSMITHKLINE
GLOBAL PATENTS
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EXAMINER

BLAND, LAYLA D

ART UNIT	PAPER NUMBER
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1623

NOTIFICATION DATE	DELIVERY MODE
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12/22/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action

This office action is in response to Applicant's proposed amendment and response after FINAL filed on November 23, 2010.

Applicant's proposed amended claims, adding which narrows the scope of R16, presents a new issue for search and consideration by the Examiner since the scope of the claims has been changed and would thus require an updated search, further consideration, and new rejections.

All rejections of record in the Final Office Action dated August 26, 2010 are maintained in view of the proposed amendment After Final not entered.

Applicant argues that the finality of the office action mailed August 25, 2010 is improper because the amendments were narrowing and did not extend beyond the scope of the previous claim. The new ground of rejection presented in the final office action mailed August 25, 2010 was necessitated by Applicant's amendment to eliminate an unpatentable alternative. MPEP 904.03 states that the examiner should avoid multiplying references and should use the best reference, and MPEP 706.07 states that the examiner cannot be expected to foresee whether or how an applicant will amend a claim to overcome a rejection. For these reasons, Applicant's argument is not persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAYLA BLAND whose telephone number is (571)272-9572. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anna Jiang can be reached on (571) 272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Layla Bland/
Examiner, Art Unit 1623